

RESOLUTION AGREEMENT

Fordham University Case No. 02-17-2106

In order to resolve Case No. 02-17-2106, Fordham University (the University) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104.

Action Item 1: Policies and Procedures

By September 1, 2017, the University will adopt and publish revised policies and procedures for the provision of housing accommodations that ensure that students with disabilities who are approved for single rooms as a means of accommodating their disability are not charged a higher residence hall room rate solely because of the need for the accommodation.

Reporting Requirements:

- a) By August 1, 2017, the University will provide to OCR, for OCR's review and approval, drafts of policies and procedures consistent with Action Item 1 above. OCR will respond within 15 calendar days.
- b) By September 15, 2017, the University will provide documentation to OCR to demonstrate that it has formally adopted the OCR-approved policies and procedures; updated its printed publications (inserts may be used pending reprinting of publications) and on-line publications with the newly adopted policies and procedures; and, electronically disseminated the newly adopted policies and procedures to students. This documentation will include, at a minimum, (i) printouts or a link to all on-line publications containing the newly adopted policies and procedures; (ii) evidence of the electronic dissemination of the policies and procedures to students; and, (iii) copies of relevant pages, or if not yet finalized copies of inserts, for printed publications. If inserts were used for any publications, then by December 31, 2017, the University will provide to OCR copies of the relevant pages of printed versions of all publications disseminated to students containing the newly adopted policies and procedures. Dissemination may occur by the methods usually employed by the University for distributing University policies and procedures, including posting on the University's website.
- c) By June 1, 2018, the University will provide to OCR a list of all students who were approved to receive a single room as an accommodation for a disability during academic year 2017-2018. For each such student, the University will provide to OCR: (i) the housing accommodation(s) the student requested; (ii) the housing accommodation(s) for which the student was approved; (iii) the housing cost incurred by the student; and, (iv) an explanation for the housing cost incurred by the student. If, upon review, OCR determines that any students should be provided

reimbursement, OCR will so notify the University, and within thirty (30) days of the University's receipt of OCR's notification, the University will submit to OCR documentation demonstrating reimbursement of the proper amount to all such students; or, provide documentation, for OCR's review and approval, supporting that reimbursement was not appropriate.

Action Item 2: Training

By September 30, 2017, the University will provide training to any University officials and administrators who are involved in the process of evaluating requests for, making decisions about, and billing for, approved housing accommodations. The University's training will cover the University's newly adopted policies and procedures developed pursuant to Action Item 1, and the University's obligations to provide housing accommodations in accordance with the requirements of the regulations implementing Section 504.

Reporting Requirement: By October 15, 2017, the University will submit to OCR documentation demonstrating that the training described in Action Item 2 was provided. The report will, at a minimum, identify the person(s) who provided the training and include a description of the person's qualifications; indicate the date(s) of the training(s); include a copy of any materials used or disseminated during the training; and, include the names and titles of the staff in attendance.

Action Item 3: Individual Remedies Regarding Room Charges

By September 1, 2017, the University will assess the rates charged to students with disabilities who received single rooms as an accommodation during academic years 2015-2016, 2016-2017, and 2017-2018, and will submit to OCR proposed recommendations for reimbursements, if any, to students who were charged the full rate for the room in which they were placed as an accommodation for their disability. The University will explain its recommendations for each reimbursement or decision not to provide a reimbursement.

Reporting Requirements:

- a) By September 15, 2017, the University will provide to OCR a list of all students who were approved to receive a single room as an accommodation for a disability during academic years 2015-2016, 2016-2017 and 2017-2018. For each such student, the University will provide to OCR: (i) the housing cost incurred by the student; (ii) the University's recommendation for reimbursement to the student, if any; and, (iii) an explanation for the amount of the proposed reimbursement, if any, or decision not to provide a reimbursement, for OCR's review and approval,
- b) Within thirty (30) days of OCR's approval of the decisions made consistent with Action Item 3 above, the University will submit to OCR documentation demonstrating that it provided reimbursements to all students approved for reimbursement, with the amount of the reimbursement indicated.

Action Item 4: Individual Remedy Regarding Room Assignment

By September 1, 2017, the University will assess whether the student (Student A) who requested assignment to a single room at the University's Lincoln Center campus on Xxxxx XX, 2016, as an accommodation for a disability during academic year 2016-2017 requires any academic remediation as a result of academic deficiencies he or she suffered because the student was not assigned to a single room. The University will offer Student A an opportunity to provide any documentation or other information to demonstrate that he or she suffered additional costs and/or academic deficiencies because he or she was not assigned to a single room; and, will offer Student A the opportunity to make suggestions regarding how any academic deficiencies suffered may be addressed. If the University determines that reimbursement for additional costs and/or remedial action to address any academic deficiencies is necessary, the University will reimburse Student A and/or offer to provide all services deemed appropriate to address academic deficiencies, by December 31, 2017.

Reporting Requirements:

1. By September 15, 2017, the University will provide documentation to OCR, for review and approval, of (a) its assessment made in accordance with Action Item 4; (b) its offer to provide reimbursement and/or remedial services to Student A, if any such services are deemed appropriate; and, (c) a schedule for providing remedial services to Student A, if any such services are deemed appropriate.
2. By January 15, 2018, the University will provide documentation to OCR demonstrating that it provided reimbursements and/or remedial services deemed appropriate and accepted by Student A, in accordance with Action Item 4.

The University understands that OCR will not close the monitoring of this agreement until OCR determines that University has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b)(4), 104.43(a) and 104.45(a), which was at issue in this case. The University also understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the University understands that during the monitoring of this agreement, if necessary, OCR may visit the University, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b)(4), 104.43(a) and 104.45(a), which was at issue in this case. The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings, including to enforce this agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Date: July 6, 2017

Signed: /s/

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General Counsel
Fordham University